IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2762 OF 2005

ALONG WITH

CRIMINAL APPLICATION NO.2763 OF 2005

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CRIMINAL APPLICATION NO.2764 OF 2005

Shri Ram Ratan Shreenivas Soni ...Applicant

Versus

Central Bureau of Investigation

& Anr. ...Respondents

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Mr.M.K.Kocharekar for Applicant.

Mr.P.D.Gharat for Respondent No.1.

Mr.K.V.Saste, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

APRIL 29, 2005.

P.C.

1. Indeed filing of charge-sheet is a changed circumstance, but I have already considered the material, which was already on record at the

relevant time i.e. on 8th December 2004 to take the view that the said material was sufficient to indicate complicity of the Applicant.

2. The fact that new material is placed on record along with the charge-sheet, does not efface the material, which was already considered by me and, therefore, it is not open to the Applicant to argue that his fresh Bail Application be considered without taking the said material, which was considered by me on 8th December 2004 into account.

3. Perhaps, the attempt is to persuade this Court that the opinion expressed by me in my order dated 8th December 2004 is not consistent with the material, which was on record before the Court at the relevant time. If such is the grievance, that cannot be said to be changed circumstance entitling the Applicant to move this Court by way of second Bail Application or investing jurisdiction in this Court to entertain Bail Application on such contention.

4. In other words, I have already taken broad

view of the matter on the basis of statements of witnesses Miss.Fatima Ibrahim Malam, Mr.T.K.Sivaramakrishnan, Mr.Salim Suleman Yahoo and Mr.Ponnuraj Ponnudurai @ Raj. The material considered at the relevant time by the Trial Court and before this Court on 8th December 2004, was sufficient to indicate the complicity of the Applicant in the commission of crime. That finding cannot be ignored merely because further charge-sheet has been filed by the prosecution. With that finding, it is not open for me to take a different view of the matter. Hence, dismissed.

A.M.KHANWILKAR, J.